

REMARKS

In the Official Communication of March 17, 2008, the Examiner states that Applicants' response of December 12, 2007 "is not fully responsive to the prior Office action because Applicant had elected cardiac infarction as the source of cerebral ischemia from claim 2 in the original reply filed on March 30, 2007 to the election/restriction mailed out on January 30, 2007" yet "has cancelled cerebral ischemia from claim 2, which was the elected specie, and left a non-elected source of cerebral ischemia in claim 2." Accordingly, the Examiner finds the amendment to be non-responsive.

Applicants respectfully submit that the Examiner's understanding of the elected invention continues to be in error. Quoting from page 7, lines 4-8, of the original reply of March 30, 2007:

"Applicants provisionally elect **with traverse** Species A, directed to a method of treating or preventing cerebral ischemia **resulting from apoplexy** comprising administering to a subject in need thereof a peritoneal solution containing an active ingredient comprising at least one hydrogenation product of frankincense extract, an embodiment encompassed by claims 1, 2, 4-6, 16, and 17." (emphasis added).

As indicated in the response of December 12, 2007, at page 7: The "[e]lected claims 1, 2, 16, and 17 [are] directed to a method of treating and/or preventing cerebral ischemia resulting from **apoplexy** (and not **cardiac infarction** as suggested in the Office Action of July 27, 2007) using a peritoneal solution containing hydrogenation products of frankincense extracts". Thus, Applicants respectfully submit that as the pending claims indeed reflect to the elected species, the amendment of December 21, 2007 was fully responsive to the prior Office Action. Accordingly, Applicants request consideration thereof with all due expedition.

CONCLUSION

The outstanding Official Communication set a one-month shortened statutory period for response. Accordingly, in that response is due on or before **April 17, 2008**, Applicants respectfully submit that this response is timely and that no additional fee is required. However, in the event that further fees are required to enter the instant response and/or maintain the pendency of this application, the Commissioner is authorized to charge such fees to the undersigned's Deposit Account No. **50-2101**.

If the Examiner has any questions or concerns regarding this communication, she is invited to contact the undersigned.

Respectfully submitted,

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By: _____/chalin a. smith/____

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